

## **REMARKS**

### **Status of the Claims**

Claims 1-16, 19 and 22-49 are currently pending in the application. Claims 17-19 and 22-23 stand rejected. Claims 1-16 and 24-49 are withdrawn as being drawn to a non-elected invention. Claims 19 and 23 have been amended as set forth herein. Claims 17 and 18 have been cancelled herein. All amendments and cancellations are made without prejudice or disclaimer. No new matter has been added by way of the present amendments. Specifically, the amendment of the claims to recite “the genomic Chinese hamster fucose transporter gene having the sequence of SEQ ID NO: 1 is disrupted” is supported, for example, in Examples 3-4, 6 and Figure 4. Reconsideration is respectfully requested.

### **Rejections Under 35 U.S.C. § 102(e)**

Claims 17-19 and 22-23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kanda *et al.* (U.S. 2004/0110282). Claims 17 and 18 have been cancelled herein without prejudice or disclaimer, thus obviating the rejection as to claims 17 and 18. Applicants traverse the rejection as to the remaining claims as set forth herein.

The Examiner states that Kanda *et al.* teach a cell in which activity of GDP-fucose protein is decreased in a Chinese hamster ovary cell (CHO cell). Kanda *et al.* teach a gene disruption technique that comprises targeting a gene encoding GDP-fucose. Moreover, Kanda *et al.*, teach RNA interference (RNAi) techniques for decreasing the GDP-fucose protein in said cells.

Although Applicants do not agree that the claims are anticipated by the disclosure of Kanda *et al.*, to expedite prosecution, claims 19 and 23 have been amended herein without

prejudice or disclaimer to be directed to said Chinese hamster cells wherein the genomic Chinese hamster fucose transporter gene having the sequence of SEQ ID NO: 1 is disrupted. Kanda *et al.*, do not disclose the genomic sequence of SEQ ID NO:1 of Figure 4 of the present application. Kanda *et al.*, does not disclose any of the sequences of the genomic Chinese hamster fucose transporter gene. The sequence information is required to disrupt a genomic gene by homologous recombination and the like. Thus, the disclosure of Kanda *et al.*, does not enable a person skilled in the art to disrupt the genomic Chinese hamster fucose transporter gene as claimed.

Therefore, Kanda *et al.*, do not disclose the isolated Chinese hamster cell, wherein the genomic Chinese hamster fucose transporter gene is disrupted or said isolated Chinese hamster cell, wherein the genomic Chinese hamster fucose transporter gene having the sequence of SEQ ID NO:1 is disrupted. Consequently, Kanda *et al.*, do not disclose all of the limitations of the presently claimed invention. Anticipation requires that “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (*See, In re Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949 (Fed. Cir. 1990), quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)).

Reconsideration and withdrawal of the anticipation rejection of claims 19 and 23 are respectfully requested.

**CONCLUSION**

In view of the above Amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Linda T. Parker, Reg. No. 46,046, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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